

BEFORE THE

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Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)

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Streamlining Broadcast EEO Rule and)
Policies, Vacating the EEO Forfeiture)
Policy Statement and Amending Section)
1.80 of the Commission's Rules to Include)
EEO Forfeiture Guidelines)

MM Docket No. 96-16

Comments of Houston Christian Broadcasters, Inc.

Houston Christian Broadcasters, Inc. ("HCBI"), licensee of non-commercial educational Radio Stations KHCB, Galveston, Texas and KHCB-FM, Houston, Texas, by its attorneys and pursuant to Section 1.415 of the Commission's rules, hereby comments upon the Commission's Notice of Proposed Rulemaking, MM Docket No. 96-16, FCC 96-49 (released February 16, 1996) (the "*NPRM*").

KHCB and KHCB-FM, together, have ten full-time paid employees and offer noncommercial educational programming from a religious perspective in four languages including English, Spanish, Chinese and Vietnamese. Based on its experience as the licensee of these small, noncommercial educational stations, HCBI wishes to address the *NPRM*'s request for comment on proposals to decrease administrative EEO recordkeeping burdens upon licensees of smaller stations and other distinctly situated broadcasters and administrative EEO recruiting burdens on all broadcasters.

KHCB believes that the FCC should provide relief from EEO recordkeeping requirements not only for broadcasters in small markets, but also for licensees of stations with few

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employees in whatever size market. Although KHCB and KHCB-FM are licensed to cities of significant size, the stations are representative of many small, noncommercial educational broadcasters who find the current EEO recruitment and recordkeeping requirements to be extremely cumbersome and burdensome. These stations find it difficult to comply with the extensive recordkeeping requirements applicable to the recruitment process, including the maintenance of applicant and interview pool data for each open position. It is unreasonable for the FCC to expect smaller stations to allocate sufficient staff to fulfill these recordkeeping requirements on a consistent basis. Thus, HCBI fully supports the Commission's proposal to eliminate or substantially reduce its recordkeeping requirements for stations with a small number of employees. A proposed cut-off might be stations with fifteen or fewer employees.

HCBI also believes that the FCC should provide similar special relief from its recordkeeping requirements for noncommercial educational stations in all size markets. Noncommercial educational stations in all size markets operate with limited staff and restricted funding. It is therefore equally unreasonable to expect noncommercial educational stations to consistently fulfill the Commission's extensive EEO recordkeeping requirements.

Reducing the administrative EEO recordkeeping obligations on small stations and noncommercial educational stations will not impede the underlying goals of the Commission's EEO rules and policies to promote program diversity and deter discriminatory employment practices. These stations will still be subject to the Commission's substantive EEO rules and the requirement of the Telecommunications Act of 1996 that they demonstrate service to the public interest, convenience and necessity in order to have their licenses renewed. In addition, because

noncommercial educational stations are dependent on public funding, they must, as a business matter, conduct comprehensive and interactive programs within their communities to generate volunteer staff, encourage listener contributions, and develop community-responsive programming that encourages volunteers and listener contributions. Recruitment of pools of potential employees and volunteers from a cross-section of the local community is the natural outgrowth of these programs, and detailed recruitment recordkeeping requirements are thus unnecessary. Indeed, reducing the recordkeeping burden on small and noncommercial educational stations will further the Commission's EEO goals by enabling such stations to more effectively focus their limited resources on substantive, rather than administrative EEO compliance. To best facilitate such substantive compliance, HCBI urges the Commission to adopt and apply to small and noncommercial educational stations, all three of its proposed methods to reduce recordkeeping burdens. *See NPRM* at ¶¶ 23-26.

HCBI further supports the Commission's proposals to credit stations' joint recruiting efforts toward EEO compliance. This approach would be particularly beneficial for small and noncommercial educational stations because of their limited resources. HCBI also urges the Commission to credit noncommercial stations for filling volunteer positions from pools of minority and female applicants. KHCB and KHCB-FM utilize the services of approximately forty volunteers who work regular night or day shifts each week announcing and keeping the two stations on the air. Currently, over half of these volunteers are minority individuals, including African-Americans, Hispanics and Asian-Americans, who assist the stations in providing the foreign-language programming they offer. Since volunteers such as these are largely responsible for noncommercial educational stations' provision of noncommercial educational programming,

the Commission should take into account the recruitment of such volunteers in any assessment of noncommercial educational stations' EEO recruiting efforts for full-time vacancies. Of course, the definition of an "adequate pool" of minority and female applicants would not necessarily be the same for paid and non-paid positions.


CONCLUSION

HCBI supports the EEO policies and rules of the FCC and offers the comments given above to enable the Commission to address the unique problems experienced by licensees of small and noncommercial educational stations in complying with the FCC's EEO recruitment and recordkeeping requirements. HCBI looks forward to revision of these requirements so that its stations can spend more of their limited resources pursuing the substantive goals of the EEO policies and rules and less time dealing with extensive administrative burdens that divert resources from these laudable substantive goals.

Respectfully submitted,

HOUSTON CHRISTIAN BROADCASTERS, INC.

By:



Nancy L. Wolf
Bernard A. Solnik

Leventhal, Senter & Lerman
2000 K Street, Suite 600
Washington, D.C. 20006
(202) 429-8970

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Its Attorneys